



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 15, 1998

Ms. Linda Wiegman
Supervising Attorney
General Counsel Office
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR98-2190

Dear Ms. Wiegman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118221.

The Texas Department of Health (the "department") received an open records request for certain "skeleton" medical forms utilized by two named Partial Hospitalization Programs.¹ Specifically, the requestor seeks the following forms:

1. Standardized admission assessment forms
2. Standardized Individual Treatment Plan forms
3. Clinical forms upon which the program records and summarizes the services provided to the patient and/or the focus of those services, and summarizes the response of the patient
4. Progress review forms which summarize and review the progress and status of the patient


¹The requestor has specifically excluded from the scope of the request any medical information contained in such forms. Consequently, such blank forms are not made confidential under the Texas Medical Practices Act. V.T.C.S. art. 4495b.

You do not contend that such forms are excepted from required public disclosure and further inform us that the department has previously released other blank medical forms to the requestor. You state, however, that after making a good faith effort to locate the requested forms, you believe that the department may not possess the requested information.

It is well established that the Open Records Act does not require a governmental body to obtain information not in its possession or to prepare new information in response to an open records request. Open Records Decision No. 445 (1986). If the department has determined that it has produced all records responsive to the request that are in its possession, it has complied with the requirements of the Open Records Act.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael J. Burns".

Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/RWP/ch

Ref.: ID# 118221

cc: Ms. Marsha Naylor
Naylor and Associates
1620 Lincoln
Wylie, Texas 75098